

(2012) 06 AHC CK 0026

Allahabad High Court

Case No: None

Preeti Saini and Another

APPELLANT

Vs

State of U.P. Thru Secy. and
Others

RESPONDENT

Date of Decision: June 20, 2012

Hon'ble Judges: Vikram Nath, J and Manoj Misra, J

Final Decision: Disposed Of

Judgement

Vikram Nath & Manoj Misra, J.

Heard learned counsel for the petitioners and the learned A.G.A

1. This writ petition has been filed by the petitioners for quashing of FIR of case crime No. 296 of 2012 under sections 363, 366, 504 IPC, Police Station Charthawal, District Muzaffar Nagar.

2. The petitioners Preeti Saini and Yogesh Kumar are present in this Court and they have been identified by their lawyer. Petitioner No. 1, Preeti Saini claims to have voluntarily married Yogesh Kumar, the petitioner No. 2 out of her own sweet will and is living with him without any coercion and compulsion, and denies that she has ever been kidnapped by petitioner No. 2.

3. In paragraph No. 10 of the writ petition, it is mentioned that petitioner No. 1 is major and aged about 18 years more than, but no reliable proof regarding her age has been annexed with the petition.

4. We direct her to appear before the Chief Judicial Magistrate/Magistrate, Muzaffar Nagar within two weeks from today, who shall direct the Investigating Officer to produce her before the C.M.O. Muzaffar Nagar for the purpose of getting her medical examination done for ascertaining her age as per her appearance and also by a radiological examination.

5. The age certificate will bear the self attested photograph of Preeti Saini.

6. In case, the CMO reports that she is 18 years in age or above, the I.O. concerned shall record her statement under Section 161 Cr. P. C. and shall produce Preeti Saini before the CJM/Magistrate concerned for getting her statement recorded under Section 164 Cr. P. C., who shall duly record the same.
7. The I.O. shall provide proper security to the petitioner no. 1, Preeti Saini ensuring compliance of the aforesaid directions.
8. In case the said statements are favourable to the accusedpetitioners, the I.O. shall consider the appropriateness of submitting a final report in this case and the CJM concerned may also pass appropriate orders in this regard.
9. In case the petitioner no. 1, Preeti Saini is found to be minor, then the CJM/Magistrate concerned shall pass appropriate orders regarding her custody as he deems fit and proper.
10. For the future security of the petitioner No. 1, Preeti Saini the petitioner No. 2, Yogesh Kumar is directed to deposit Rs. 25,000/ (Twenty Five Thousand) in a nationalized bank/post office in the form of fixed deposit for a period of not less than three years within one month in the exclusive name of the petitioner No. 1, Preeti Saini.
11. The amount so deposited shall not be withdrawn before its maturity under any circumstances except with the leave of the CJM/Magistrate concerned.
12. The concerned bank/post office shall be instructed by the depositor (petitioner No. 2) to make a specific note in the record as well as on the fixed deposit receipt that the same shall not be encashed before maturity except with the leave of the CJM/Magistrate concerned.
13. The petitioner No. 2 is directed to furnish proof before the CJM/Magistrate concerned on or before 23.7.2012 that he has made out the fixed deposit receipt as directed above in the name of the petitioner No. 1, Preeti Saini.
14. Till the disposal of the aforesaid proceedings before the CJM concerned as provided herein above, the arrest of the petitioners in the aforesaid Case Crime No. 296 of 2012 under sections 363, 366, 504 IPC, Police Station Charthawal, District Muzaffar Nagar shall remain stayed.
15. In case the petitioner No. 2 fails to fulfill any of the conditions mentioned herein above, the stay of arrest granted by this Court shall stand vacated.
16. With the aforesaid observations, the writ petition is disposed off.